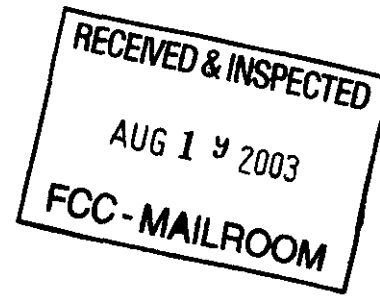


August 11, 2003

Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re. Telephone Consumer Protection Act of 1991  
FCC 03-153; CG Docket Number 02-278



Dear Sir or Madame

Set forth on the following page are the comments of the Chemical Industry Council of Illinois ("CICI") regarding the objection of the Telephone Consumer Protection Act of 1991 and its implementation of said Act on conducting business.

CICI is a not-for-profit organization, statewide association, which represents 185 members and has approximately 900 contacts within that membership. CICI represents over one hundred businesses of which are chemical firms who manufacture, blend, distribute and sell chemicals. The chemical industry in the state of Illinois ranks third in the United States in chemical exports, fourth in value of chemical shipments, and maintains more than 60,300 employees. For this reason, CICI has a significant interest in any regulations dealing with the level of our communications with our members.

Our business frequently communicates with our members for any number of reasons monthly, weekly, and sometimes even daily. Our members expect the highest levels of service and this ruling will greatly compromise our ability to provide that service and often hinder a member's ability to conduct business with the most current information available.

It has been brought to our attention that on July 3, 2003, the Federal Communications Commission (FCC) issued a Report and Order amending the regulations that implement the Telephone Consumer Protection Act of 1991 (TCPA). Among the new regulations were significant changes to the rules regarding faxes containing unsolicited advertisements. The new FCC position eliminates the application of the "established business relationship" to unsolicited advertisements sent via fax. The change has the effect of no longer making membership in an association, or a prior, voluntary relationship with any business or organization, sufficient to permit fax communication with members or customers without first receiving their prior, expressed and signed consent. Even a verbal request for a fax from a member, donor, customer or interested consumer is no longer sufficient.

The new rules, which will go into effect on August 25, 2003 - 30 days after they were published in the Federal Register on July 25, 2003, cover any fax sent without written prior approval that contains "any material advertising the commercial availability or quality of any property, goods, or services." The amendments to the TCPA rules by the FCC carry significant consequences for every American organization or business, including the threat of serious penalties and lawsuits. The burdensome record keeping procedures that would have to be established also compromise productivity and efficiency.

The potential cost of non-compliance is extremely high, with penalties ranging from \$500 to \$1,500 per fax. In addition, the new regulations will encourage frivolous lawsuits and further add to the economic burden to be shouldered by the non-profit community and small businesses. For these reasons we oppose the proposed regulation.

Sincerely,

*Mark A. Biel*

Mark A. Biel  
Executive Director  
Chemical Industry Council of Illinois  
Program Coordinator

**Confirmed**

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**Headquarters**

2250 E. Devon Ave. SUITE 239, DesPlaines, IL 60018 • TEL (847) 544-5995 • FAX: (847) 544-5999

**Springfield**

400 W. MONROE, SUITE 205, SPRINGFIELD, IL 62704 • TEL. (217) 522-5805 • FAX: (217) 522-5815

**Website:** www.cicil.net